



# NEWSLETTER

American Branch of the International Law Association

February 2018

## INTERNATIONAL LAW WEEKEND 2018

### OCTOBER 18-21, 2018 - MARK YOUR CALENDARS

Planning has already begun for ILW 2018, to be held October 18-20 in New York City. The theme will be "Why International Law Matters." This exciting annual event co-incides with the 97th annual meeting of the American Branch.

As in prior years, the conference will open on Thursday evening with a featured panel discussion in the Great Hall of the New York City Bar Association, 44 West 45th Street, followed by a reception. It will continue Friday and Saturday at Fordham University School of Law. A reception will be hosted Friday evening by the Permanent Mission of Estonia to the United Nations.

ILW is a joint effort of the American Branch of the International Law Association (ABILA) and the International Law Students Association (ILSA) with co-sponsorship by Fordham University School of Law and the New York City Bar Association.

The Organizing Committee is co-chaired by Professor Milena Sterio and Martin Flaherty and includes ILSA's Tessa Walker and ABILA members Stephanie Farior, William Aceves, Bart Smit Duijzentkunst, Jessica Simonoff, Anil Kalhan, Lucas Lixinski and Ashika Singh. ABILA President David Stewart and President-elect Leila Sadat are also assisting.

The tentative theme for ILW 2018 is "Why International Law Matters." Planning is underway for some 35 presentations and panel discussions aimed at examining a broad range of current global challenges, potential solutions, and dynamic issues in both public and private international law. As in past years, a number of panels will be accredited for CLE credit. The Organizing Committee expects to solicit panel proposals early in the spring.

In addition to the traditional Opening Panel discussion on Thursday evening, keynote addresses will be scheduled on Friday and Saturday. As in the past, the program will include a number of career-oriented panels in various areas of international law.



Join the Branch On-Line  
at [www.ila-americanbranch.org](http://www.ila-americanbranch.org)

**BECOME A NEW  
MEMBER**

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### REGISTER NOW FOR THE 2018 ILA BIENNIAL IN SYDNEY

The ILA's 2018 Biennial Conference will be hosted by the Australian Branch on August 19-23, 2018 at the Intercontinental Hotel in Sydney. The Biennial provides a wonderful opportunity to join with colleagues from around the world, hear reports from ILA committees and study groups, and attend many other presentations.

For information and registration, point your browser to <https://www.ila2018.org.au>.

If you will be attending, kindly let us know for planning purposes. Simply email [stewartd@law.georgetown.edu](mailto:stewartd@law.georgetown.edu).

## REPORT ON ILW 2017 OCTOBER 19-21, 2017

International Law Weekend 2017, held in New York on October 27-29, was a great success. Total registered attendance exceeded 1230, of whom over a thousand were students. The Branch owes its appreciation to the Organizing Committee led by Milena Sterio and including David Attanasio, Bart Smit Duijzentkunst, Jessica Simonoff, Justinian Doreste, and ILSA's wonderful Tessa Walker. The overall theme of ILW 2017 was "International Law in Changing Times." The conference aimed at evaluating the challenges that confront the law and international lawyers in the current dynamic world environment. The distinguished opening panel, held Thursday evening at the New York City Bar Association, focused on "Leadership Transitions and International Law," reflecting in particular on leadership changes on international law and practice, particularly in the United Nations and the United States.

Participants included Judge Theodore Meron, current President of the International Residual Mechanism for Criminal Tribunals and former President of the International Criminal Tribunal for the Former Yugoslavia; Hon. D. Stephen Mathias, Assistant Secretary General of the United Nations for Legal Affairs (and head of the Office of the Legal Counsel); Prof. Martin Flaherty, Co-Director of the Leitner Center for International Law and Justice; and Ambassador Elinor Hammarskjöld, Director General for Legal Affairs of the Swedish Ministry for Foreign Affairs. ABILA President David P. Stewart moderated.

This panel probed the central questions of the conference: what are the most important challenges facing the field of international law and the institutions and structures that have been central to the world order since World War II. The well-attended discussion was followed by a wonderful reception, sponsored by the law firm of Debevoise & Plimpton LLC, for whose support the Branch is most grateful.  
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### The Branch On Twitter

Our "handle" is:

@theABILA



### Next Meetings of the Board of Directors

The **spring meeting** of the Branch Board of Directors will take place 9 a.m, Friday, April 6, 2018, during the annual meeting of the American Society of International Law.

We will consider reports on the overall state and financial status of the Branch, the work of the Board committees as well as Branch Committees, revisions to the Branch website, plans for ILW 2018 and various regional events.

The **fall meeting** of the Board will take place on Saturday, Oct. 20, 2018, in conjunction with ILW 2018.

All Board members should plan to participate in both events.

The annual Branch Membership Meeting will also take place at that time.

### WELCOMING NEW BRANCH MEMBERS

We welcome the following new members of our Branch, who have joined in 2017:



Maria Vanikiotis  
Murray Henner  
Alexander Moorehead  
Yasmina Gouchane  
Heather Craig  
Brittany Rosen  
Juliya Arbisman  
Amy Cuzzolino  
Peter Tzeng  
Brian Egan

Stella Obita  
Carlos Andres Pagan  
Bibi Musafiri  
Jocelyn Burgos  
Lucinda Low  
William Rogers Jr.  
Melissa Martin  
Chelsea Pollard  
Mais Haddad

*New members always welcome!*

### Please Pay Your Dues

The Branch's membership year began in January. If you have not paid for 2017 or 2018, please do so now. It's easy: go on line to

<http://ila-americanbranch.org/Membership.aspx>

## REPORT ON ILW 2017 (continued from page 2)

In addition to a rich array of panel presentations and other events on Friday and Saturday, the keynote address by Sir Christopher Greenwood, Judge, International Court of Justice, was a particularly well-attended and engaging event that prompted a number of thoughtful questions from the audience. On Friday evening, the Permanent Mission of Bulgaria to the United Nations generously hosted a wonderful reception, for which the Branch extends its thanks.

Our thanks to the following supporting institutions who contributed to the success of ILW2017: American Bar Association, American Society of International Law, Brill USA, Inc., California Western School of Law, Columbia Law School Dean Rusk International Law Center, University of Georgia School of Law, Debevoise & Plimpton LLP, George Washington University Law School, Georgetown University Law Center, Fordham University School of Law International and Non-J.D. Programs, Fordham University School of Law Leitner Center for International Law & Justice, New York City Bar Association, NYU Center for Global Affairs, Oxford University Press, Princeton University James Madison Program in American Ideals and Institution. The Fletcher School Tufts University, University of Nebraska, University of Pennsylvania Law School, University of Pittsburgh School of Law, White & Case LLP, Whitney R. Harris World Law Institute at Washington University School of Law.



### UPCOMING REGIONAL AND CO-SPONSORED EVENTS

The Branch will cosponsor a conference on the Rohingya crisis in Myanmar, to be held on Wednesday, March 28, 2018 (5 pm) at the **City University School of Law**. Organized by the Law School's International Law Society, the conference will discuss the plight of Rohingya, the international community's responsibility and the application of international law to address the crisis. Light dessert reception to follow. Contact Iffat Rahman at [iffat.s.rahman@gmail.com](mailto:iffat.s.rahman@gmail.com).



On April 4 at **Georgetown University Law Center**, the Branch will host a discussion of recent developments in the U.S. foreign relations law, especially the law of treaties, as they relates to transnational issues and litigation. Organized by the Center for Transnational Business and the Law, and timed in conjunction with ASIL's annual meeting, the event will include a keynote speaker and several moderated panel presentations. (Continued next page)



## REGIONAL AND CO-SPONSORED EVENTS (CONTINUED)

The Branch is also cosponsoring the Annual Symposium of the Gonzaga Journal of International Law at Gonzaga University School of Law in Spokane, Washington, on Friday, April 13. The conference topic is “American Leadership in International Economic Law in the 21st Century,” in particular how it is affecting and shaping the international legal landscape. Branch President Stewart will participate.

Along with the D.C. Chapter of the Inter-American Bar Association and Georgetown Law’s Center on Transnational Business and the Law, ABILA will present a Spring Conference on “Challenges Facing International Business, Trade and Investment” on April 27-28. The Conference will open in the evening of April 27 with a Keynote Speech on the topic “Doing Business in Latin America: Challenges and Opportunities,” followed by a Cocktail Reception. There will be two panels on Saturday morning, April 28, tentatively titled “Human Rights and Public Health: A Turning Point in IIAs and ISDS?” and “Corporate Social Responsibility: Reshaping the way of Doing Business, Invest and Trade in the Global Market.” They will be followed by a networking luncheon on the topic “International Business Transactions and Human Rights.”

Discussions about future regional ILW’s or similar events for fall 2018, spring 2019 and beyond continue with University of Kansas University School of Law, Vermont Law School, and Wayne State University Law School. If your school or institution would like to host a regional ILW or sponsor a similar event, contact either President Stewart or President-elect Sadat.

## RECRUIT NEW MEMBERS

Every ABILA member is urged to recruit at least **two** new members during 2018. The health and success of our Branch depends on a steady infusion of new talent, enthusiasm, and energy. At the end of 2017, our membership totaled 263. Please take time, now, to think about reaching out to several likely prospects, whether students, academics, practitioners or other colleagues, encouraging them to join, to attend ILW 2018, to participate in Branch committees, and to sponsor local and regional events.

## REPORT ON ILA EXECUTIVE COUNCIL MEETINGS

### Fall 2017 Meeting

The fall 2017 meeting of the ILA’s Executive Council was held on November 11, 2017 in London. In addition to reports on the financial and membership status of the Association, the Council approved the appointment of Co-Rapporteurs for the International Commercial Arbitration Committee, the establishment of a new ILA Committee on Participation in Global Cultural Heritage Governance, and the nominations of additional members to various existing Study Groups (including ABILA member Prof. Lilian Faulhaber for the Study Group on International Tax Law).

Branches were reminded that the appointment of individuals to Study Groups should be done in consultation with the ILA’s Director of Studies. The Study Group on the “Conduct of Hostilities under IHL - challenges of 21st century warfare” was formally wound up.

## UPDATED MEMBERSHIP BROCHURE

The Branch membership brochure has once again been revised and updated. The new version is dated “March 2018.” It will soon be available for download from the Branch website. All members are encouraged to print copies for use in recruiting new members.

## BRANCH PROCEEDINGS

The next edition of the Proceedings of the American Branch, currently in preparation, will cover 2015-17 (a slightly expanded range). In addition to reports on International Law Weekends, ILA Biennials and other significant events, it includes reports of the activities of Branch committees. This edition will also include relevant information on the transition of the Branch to incorporated status as a 501 (c) (3) organization. Prof. Louis Ellen Teitz, the editor, anticipates completion this coming spring.

*Continued on next page*

## **Continued from Fall 2017 ILA Executive Council Meeting Report**

A lengthy discussion focused on the Young Scholars' Network and its plans for the Sydney Biennial. Branches were invited to make additional contributions in that regard. (ABILA's Board of Directors subsequently authorized a Branch contribution of \$3000 for the Scholarship Fund.)

Australian Branch President Dr. Chris Ward reported on preparations for the 2018 Conference in Sydney. The Conference theme is "Developing International Law in Challenging Times" and the organizing committee had already received more than 400 proposals for panel sessions.

Professor Yuji Iwasawa (Japan) reported that preparations have already begun for the Kyoto Conference in August 2020. Professor Manuel Ribeiro (Portugal) said the Portuguese Branch is making its preliminary plans for the subsequent biennial conference to be held in Lisbon in 2022. The Chair reminded the Executive Council that the French Branch were planning to hold an event in 2023 to celebrate the 150 anniversary of the founding of the ILA.

The Council approved a proposal to create an additional Officer's post for a Media Officer to assist the Secretary General in dealing with the increasing burdens imposed by new technology and methods of communication (the ILA now has over 25,000 followers on Facebook).

Lord Mance was re-elected Chair of the Executive Council for a third and final term. The Council also approved a list of Committee Nominations and Headquarters Nominations. The Council discussed various aspects related to the Pakistan and Polish Branches and considered the provisional acceptance of a Macedonian (FYROM) Branch.

The Council had, as information, a report submitted by ABILA member Arnold Pronto, Principal Legal Officer in the UN Office of Legal Affairs who also serves as the ILA's UN Liaison, entitled Legal Developments at the United Nations (Issue No.3 – 1 January to 31 December 2016).

The next Executive Council meetings will be held on 12 May and on 17 November 2018 in London.



Our intrepid Newsletter reporters have uncovered a photo of Branch member Prof. Mark Wojick, who teaches at The John Marshall Law School, with the Chief Justice of Bhutan, taken last fall in Bhutan when Prof. Wojick was helping to launch the first law school in the history of that country.

### **UPDATE ON BRANCH AND ILA WEBSITES**

The new ILA Website ([www.ila-hq.org](http://www.ila-hq.org)) became operational last year. Be sure to take time to investigate. In addition to its new look and logo, it is intended to be more informative and easier to navigate. The "Members Only Area" has been upgraded and will continue to be developed on an ongoing basis in order to provide ILA members with more targeted and relevant information.

The new Branch website will be operational by the time of the Board of Directors meeting in April. Mark Cuevas, the Branch's Communications Officer, has added new features and functionality, in particular in the way in which Branch committees can use it. The website is designed to be accessible from smart phones and tablets.

Please be sure that your personal information is up-to-date and accurate. The person charged with updating the membership information is our Membership Officer, Seana Flanagan, at [seana@ila-americanbranch.org](mailto:seana@ila-americanbranch.org).

# NEWS OF BRANCH AND ILA COMMITTEES

## BRANCH COMMITTEES

Coalter Lathrop is the new chair of the ABILA LOS Committee.

Several Branch committees participated in or contributed to events at ILW 2017. For example, the International Criminal Court Committee sponsored a panel entitled "The Next Step for the ICC? A Crime of Aggression Primer," featuring Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein to the UN; Ambassador Jurg Lindenmann of Switzerland; Roger S. Clark, Board of Governors Professor, Rutgers Law School; David Donat-Cattin, Secretary-General, Parliamentarians for Global Action, with Jennifer Trahan (the Committee's chair) moderating.

The Committee on the Use of Force and the Committee on Space Law co-sponsored a panel entitled "Outer Space in the New Administration and Beyond: Commercial, Civil, and Growing Security Challenges." In February, the Use of Force Committee continued its podcast series on the use of force and arms control with a discussion between scholars on the significance of the recent adoption by 122 states at the United Nations of the Treaty on the Prohibition of Nuclear Weapons. Over the next year, we will be continuing our podcast series. The Committee will also be proposing a panel of experts for the 2018 International Law Weekend, to be entitled "North Korea and the United States: Options and Risks."

The International Criminal Court Committee also released a document entitled "The International Criminal Court's Inquiry as to Crimes in Afghanistan: Questions and Answers (Dec. 2, 2017) at the ICC's Assembly of States Parties meeting at the United Nations, Dec. 4-14, 2017.

The Investment Law Committee co-organized a conference February 13 on Practical and Strategic Dimensions of Counterclaims in Investor-State Arbitration, with the Georgetown University Law Center International Arbitration Society. Hosted at Dechert LLP's Washington office, the conference explored the role of counterclaims in the effective resolution of disputes between sovereign states and foreign investors.

Leading lawyers from both the public and private sectors shared their perspectives on state counterclaims with practitioners, embassy officials, professors, and students. They expressed enthusiasm toward bringing counterclaims in the right case and considered that

counterclaims can broaden the lens through which an investment tribunal considers a dispute. They agreed that the potential success of counterclaims often remains constrained by hurdles from the limited jurisdiction of certain investment tribunals.

The first panel focused on the experiences arbitration counsel have had with counterclaims when working for states. Mélida N. Hodgson (Partner, Foley Hoag), Claudia Frutos-Peterson (Partner, Curtis) and Carolyn Lamm (Partner, White & Case) presented and David L. Attanasio (Chair, ILA American Branch Investment Law Committee; Associate, Dechert LLP) moderated. The second panel focused on the perspective of state officials. Anna Bilanová (Ministry of Finance, Czech Republic), Aristeo López Sánchez (Deputy General Counsel, Secretariat of Economy, Mexico) and Alvaro Galindo (International Counsel, Dechert) presented and Patricia Cruz (Associate, Foley Hoag) moderated.

Prof. Myanna Dellinger, University of South Dakota School of Law and chair of the Branch International Environmental Law Committee reports that the Committee's podcast project on global and local environmental law issues continues to attract a wide audience. In the three years since it began, 23 podcasts have been recorded, with 15,583 all-time downloads (859 in the past three months). Some 53% of the downloads are from domestic listeners, the remainder from international listeners (most from the UK, Australia, Canada, Brazil, Germany, China, Japan, Sweden and India).

The Human Rights Committee chaired by Aaron Fellmeth is working with the Whitney R. Harris Institute at Washington University Law to do a study and conference on human rights and gun violence, with a specific focus on action before international bodies with jurisdiction over the Institute. With the input of ABILA members of the Committee, the Harris Institute has already presented strong testimony before the Inter-American Commission on Human Rights and will be working closely with ABILA experts on future projects. A two-day conference is planned for Nov. 8-9, 2018 to take place at Washington University in St. Louis which will be cosponsored by ABILA. For information details, contact Leila Sadat (sadat@wustl.edu).

## THE ILA COMMITTEE ON NUCLEAR WEAPONS, NON-PROLIFERATION AND CONTEMPORARY INTERNATIONAL LAW

Has been working on its fourth report concerning "Legal Aspects of the Use of Nuclear Energy for Peaceful Purposes" for presentation at the Sydney Conference. That report and earlier ones dealing with verification and non-proliferation issues are considered a "rolling text" which at the end of the process will form the basis of a final, comprehensive report covering options for legal cooperation in the field. The fourth report deals with various legal aspects of the peaceful uses of nuclear energy, such as security and safety, radioactive waste management and damage prevention and repairation.

## NEWS OF ILA COMMITTEES AND STUDY GROUPS

The Branch has nominated Prof. James Nafziger, chair of the former ILA Committee on Cultural Heritage Law and current Vice Chair of the ILA, to be a member of the new ILA Committee on Participation in Global Cultural Heritage Governance.

The ILA Executive Council approved the Branch's nomination of Prof. Lilian V. Faulhaber, Georgetown University Law Center, to join the ILA International Tax Law Study Group.

Aaron Fellmeth was appointed to the ILA Committee on Human Rights in Times of Emergency, which will be meeting in August in Sydney at the Biennial.

The Branch has nominated Christina Hioureas as an alternate member of the ILA Committee on Rising Sea Levels.

**ILA Committee on Nuclear Weapons (con't)**

Prof. Larry Johnson, a member of the Committee, contributed proposed revisions to the draft prepared by the Committee's Secretary, including substantial changes to those portions of the draft dealing with the rather specialized field of "civil liability for nuclear damage." Following several rounds of discussion by email, a compromise was achieved and the report went forward without the need for a dissent or minority view. It remains to be seen, of course, how the report will be received at Sydney."

**ILA Committee on Baselines under the International Law of the Sea**

The ILA Baselines Committee will hold an intersessional meeting on March 12, 2018 at the Centre for International Law, National University of Singapore, to consider the draft final report to be submitted to the biennial Sydney Conference in August of this year. The report will consider straight baselines under Article 7 of the Law of the Sea Conference, and other lines. The report contains new information of state practice based on reports contained in the Committee's webpage at [ila-hq.org](http://ila-hq.org). The Chair and Rapporteur will attend the Sydney biennial to present the report.

**ILA Committee on International Law and Sea Level Rise**

The ILA Sea Level Rise Committee will hold its second intersessional meeting on 15 March 2018 at the Centre for International Law, National University of Singapore, in connection with the CIL conference on Climate Change and the Law of the Sea. The meeting will consider the second interim report of the Committee, to be presented at the Sydney Biennial. The report will examine both the law of the sea issues and those connected with the migration issues induced by the loss of territory. The Committee is expected to request a renewal of its mandate to enable it to complete its work.

**ILA COMMITTEE ON THE PROTECTION OF PRIVACY IN PRIVATE INTERNATIONAL AND PROCEDURAL LAW**

The ILA Committee on the Protection of Privacy in Private International and Procedural Law is designed to analyze private international and procedural law questions (jurisdiction, applicable law, recognition and enforcement of judgments, legal standing and remedies, etc.) in privacy and personal data rights, and to identify impediments to an effective protection of privacy and personal data rights in the framework of both traditional settings and mass media. It extends to treatment over the Internet, including but not limited to the context of social media. The goal is to formulate recommendations, guidelines and principles regarding the treatment of these matters in a cross border context and to reinforce predictability and harmonization at the global level.

The Committee includes experts from Australia, Austria, Belgium, Brazil, France, Germany, Italy, Japan, the Republic of Korea, Luxembourg, Portugal, Spain, the United Kingdom, and the United States. ABILA is represented on the Committee by Dr. Cristina Mariottini (Rapporteur) and Profs. Louise Ellen Teitz and David Stewart.

The Committee's fifth meeting was hosted on October 13, 2017 at the Max Planck Institute Luxembourg for Procedural Law, in conjunction with a conference on "Jurisdiction, Conflicts of Laws and Data Protection in Cyberspace" organized in co-operation with the Brussels Privacy Hub. The conference proceedings will be published in a book (forthcoming, 2018).

The Committee will present its First Interim Report, including Draft Guidelines and a Commentary, at the 78<sup>th</sup> ILA Biennial Conference in Sydney. Its conclusions and recommendations are scheduled to be submitted for adoption at the 80<sup>th</sup> ILA Biennial Conference in 2022. (Submitted by Dr. Christina Mariottini, Rapporteur)



**5th Meeting of ILA Committee on the Protection of Privacy in Private International and Procedural Law**

# IN MEMORIAM: Professor M. Cherif Bassiouni (1937-2017)

By Leila Nadya Sadat

On October 21, 2017, the ABILA Board of Directors adopted a Resolution expressing its sorrow at the passing of Professor M. Cherif Bassiouni, who passed away on September 25, 2017.

Prof. Bassiouni (affectionally “Cherif” to all who knew him) was a wonderful ABILA member and supporter, and a truly global citizen. Brilliant, creative, hardworking and skilled in international diplomacy and foreign languages (he was fluent in at least six), he was known as the “father” of international criminal law.

From the Torture Convention to the Statute of the International Criminal Court, his fingerprints are on every major international criminal law instrument of the past fifty years, including the emerging new convention on crimes against humanity. As a scholar, Cherif wrote and edited seventy-five books and several hundred law review articles in Arabic, English, French, Italian and Spanish. His publications were repeatedly cited as authority by the Yugoslavia Tribunal, the Rwanda Tribunal, and the United States Supreme Court, and were always thoroughly researched, beautifully written and copiously footnoted.

A passionate and devoted educator, he taught at DePaul Law School for nearly fifty years and started the International Human Rights Law Institute (IHRLI) there, as well as the International Institute of Higher Studies in Criminal Science in Siracusa, Italy, which he headed until 2015. Cherif co-chaired a Committee of Experts tasked with drafting an anti-torture treaty. Much of this draft found its way into the 1984 UN International Convention Against Torture, Cruel, Inhuman and Degrading Treatment.

Cherif subsequently chaired the Commission of Experts which the Security Council established in 1992 to investigate atrocities in the former Yugoslavia. Under his leadership, the Commission issued a 3,500-page report detailing the ethnic cleansing, genocide and crimes against humanity committed during the war, which led to the establishment of the ICTY.

Cherif subsequently served as Vice-Chair of the UN General Assembly Ad Hoc Committee to Establish an International Criminal Court in the mid-1990s and participated in the Preparatory Committee that prepared a draft Statute for the Court. It was then that ABILA President Al Rubin decided that ABILA should create an ICC Committee, and asked me to chair it. Cherif participated actively as a member of that Committee, as did many other ABILA members including the late Edward Wise, Chris Joyner, Kelly Askin, Michael Scharf, Roger Clark, Chris Blakesley, Dan Derby, Malvina Halberstam, and Dorean Koenig.

When the Diplomatic Conference opened in Rome, Cherif was chosen as the Chair of the Drafting Committee and set about the challenge of developing a widely acceptable text for the treaty. I travelled to Rome in 1998 at Cherif's urging, and had the opportunity not only to observe the negotiations firsthand, but to speak with him often as they were ongoing. He regularly took time out of his busy schedule to dine with me and a small group of ABILA members, enjoying camaraderie and fellowship even as the grueling weeks of diplomatic wrangling wore on. On July 17, 1998, the treaty establishing the Court was adopted. Although the establishment of the Court was the result of thousands of individuals working to that end all over the world, I believe that without Cherif's contribution and leadership the Court would not now exist.

In 1999, Cherif was nominated for the Nobel Peace Prize for his work on global justice. In recognition of his extraordinary contributions, not only to the world, but to his adopted City of Chicago, a street there is now named in his honor. He will be greatly missed.



Professor M. Cherif Bassiouni (1937-2017)



### ***IN MEMORIAM:***

### **David Caron (1952-2018)**

The Branch also notes with great sadness the passing of Prof. David Caron, a long-time ABILA member and Patron. A graduate of the U.S. Coast Guard Academy, Prof. Caron had a wonderfully diverse and successful career in international law. He was an active ILA member, serving on the International Law and Sea Level Rise Committee (as a nominee of the Chair). He taught at Berkeley, becoming the C. William Maxeiner Distinguished Professor of Law; and he was active in the American Society of International Law, serving as President from 2010-2012. Taking emeritus status as Berkeley, he moved to King's College London as Dean of the Dickson Poon School of Law.

Prof. Caron also practiced at London's 20 Essex Street Chambers and became a noted expert in the field of international arbitration. In 2016, he was appointed a member of the Iran-United States Claims Tribunal, where he served until his death. He also served as a Judge ad hoc on the International Court of Justice in *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*.

In addition, he was active in the Institute of Transnational Arbitration he served as Advisory Board Chair (2005-2009), Academic Council Chair (1997-2002), and as one of three original Co-Editors-in-Chief of the law journal WAMR (2008-2013).

David was a Bencher at the Inner Temple. A memorial service will be held at the Honourable Society of the Inner Temple at 6 p.m. on March 23.

## **NEWS OF BRANCH MEMBERS**

### **Ved Nanda Receives 2018 Louis B. Sohn Award for Public International Law**

The American Bar Association has honored **Prof. Ved Nanda**, founder of Denver Law's International Legal Studies Program, for his distinguished contributions to public international law by naming him the 2018 co-recipient of the Section's Louis B. Sohn Award for Public International Law. Established in honor of former Section Chair Louis B. Sohn (1992-1993), this award is presented periodically to those persons who have made "distinguished, longstanding contributions to the field of public international law." The 2018 award is shared by Professor Nanda and Judge Stephen Schwebel.

**Dean Nanda** was also selected as winner of the **Padma Bhushan Award**, presented by the President and Prime Minister of India. One of the highest civil awards presented by the Government of India, the Padma Award Committee selected only 9 recipients from this year's nomination pool of over 15,700. Ved was honored for his contributions to education.

In addition, **Dean Nanda** has been appointed an **Honorary Professor of Law at the University of Delhi Faculty of Law**. He was featured as the University of Delhi Faculty of Law's first speaker, kicking off their new Eminent Professor's Lecture Series. He presented 5 lectures over a 5-day period, each attended by hundreds of students and faculty. He was previously named an Honorary Professor in the Faculty of Law.

West Academic has published *International Law and International Relations*, by Profs. Professors **Mark W. Janis** and **John E. Noyes** (ISBN: 9781634602938, Jan. 2018). Described as "a helpful introduction to the ways in which international law affects world politics," "accessible to readers without a background in law," "includes up-to-date important top-

ics, such as human rights, war and peace, counter-terrorism initiatives, the United Nations, and the law of the sea," "use of actual cases and incidents offers an illuminating practical approach for anyone interested in international relations."

**Prof. John Murphy's** memoir, *Luck of the Irish* (2016), is available on Kindle. He explains that "the reason for the title is that I have indeed had more than my share of luck in my career and life, and examples of this luck are set forth in my memoir." More recently, he published an article, "Primary National Security Threats Facing the United States: The Magnitude of Their Threats and Steps That have been Taken to Counteract Them," in the 50th Anniversary Issue of *The International Lawyer*, vol. 50, pp. 111-135 (2017).

**Prof. Jose E. Alvarez**, who will be stepping down as co-editor-in-chief of the *American Journal of International Law* in April 2018, has a new book, *The Boundaries of Investment Arbitration: The Use of Trade and European Human Rights Law in Investor-State Disputes* (forthcoming 2018 Juris). His article, "The Human Right of Property," is forthcoming in 2018 in the *University of Miami Law Review*. His lectures on that topic, in the UN's Audiovisual Library, can be found at: [http://legal.un.org/avl/ls/Alvarez\\_HR.html](http://legal.un.org/avl/ls/Alvarez_HR.html).

**Branch Vice President Paul Dubinsky** has a chapter on treaty interpretation in a recently-published volume entitled *Supreme Law of the Land? Debating the Contemporary Effects of Treaties within the United States Legal System* (Cambridge Univ. Press 2018). Dubinsky co-edited the volume with Branch member Brad Roth and their Wayne State colleague, Greg Fox. The volume also includes chapters by other ABILA members, including **Roger Alford**, **Gary Born**, **Peggy McGuinness** and **David P. Stewart**.

***Continued on next page***

The fifth (and final) volume of *Environmental Law Treaties* (2<sup>nd</sup> ed.) by William Rodgers and **Elizabeth Burleson** (Thomson Reuters / West 2016-18) will be published shortly.

On Friday, April 6 at 6:30-7:30 PM, the ASIL Annual Meeting in DC will feature a book launch reception with complimentary copies of *The Founders*, a new book co-edited by **David Crane**, ABILA President-elect **Leila Sadat**, and ABILA Vice President **Michael Scharf**, published by Cambridge University Press.

**Gabor Rona** has co-authored, in collaboration with **Mark Drumbl**, Professor of Law and Director of the Transnational Law Institute at Washington and Lee University, a chapter on international law applicable to children in armed conflict in *Cradled by Conflict*, a book just been published by United Nations University. The book is a compilation of contributions addressing child involvement with armed groups in contemporary armed conflict. The chapter is titled "Navigating Challenges in Child Protection and the Reintegration of Children Associated with Armed Groups."

**Haider Hamoudi** (University of Pittsburgh School of Law) has co-authored (with Mark Cammack, Southwestern Law School) the first modern casebook on *Islamic Law in Modern Courts*. It should be available for purchase from Aspen shortly.

**Professor George Walker**, Dean's Research Professor of Admiralty and International Law at Wake Forest University School of Law and recently elected Honorary Vice President of the American Branch, is enjoying a sabbatical for 2017-18 before retiring on July 1, 2018. A retired line Captain in the Naval Reserve, he has served as Charles H. Stockton Professor of International Law at the U.S. Naval War College.

**Professor Paolo Davide Farah**, who teaches at **West Virginia University**, has published *China's Influence on Non-Trade Concerns in International Economic Law* (Routledge Sept. 2016).

**Myanna Dellinger**, Associate Professor of Law at the University of South Dakota School of Law and Fulbright scholar, has approximately 750,000 listeners to her podcast series "[the Global Energy and Environmental Law Podcast](#)" proudly featuring the ABILA name and logo.

**Jessica Simonoff** is an adjunct professor (international law) at Georgetown University Law Center.

Professor **Jennifer Trahan** spoke at The Coalition for the International Criminal Court's "Commemoration of the 20th Anniversary of the Rome Statute," Feb. 15-16 in The Hague, Netherlands. She recently completed two studies on the Future of the Field of International Justice, one based on interviews of 20 of the Prosecutors of the various international and hybrid criminal tribunals and the other based on discussions from a workshop held at NYU's Center for Global Affairs, conducted with UN legal advisers, NGO representatives and academics. The findings will be published in two forthcoming law review articles.

Edward Elgar recently published *Comparative Law and Anthropology*, edited by Prof. **James Nafziger**. Among the authors of the 21 chapters are Professors Paul McHugh (Cambridge U.), Sally Falk Moore (Harvard), Laura Nader (Berkeley), and Oliver Ruppel (Stellenbosch U.).

Interestingly, quite a few current members of the **Board of Editors of the American Journal of International Law** (including Honorary Editors) are also members of the ILA (and many are members of ABILA in particular): Anthony Anghie, Laurence Boisson de Chazournes, Charles Brower, Edith Brown Weiss, Christine Chinkin, James Crawford, John Crook, Cynthia Crawford Lichtenstein, Theodor Meron, John Norton Moore, W. Michael Reisman, David P. Stewart and Ruth Wedgwood.

West has published the *5th edition of International Human Rights in a Nutshell* (2017), co-authored by Thomas Buergerthal, Dinah Shelton, Carlos Vasquez and **David Stewart**.

## CALENDAR OF UPCOMING EVENTS

The Centre for International Law at the National University of Singapore will hold a two-day conference on climate change and the law of the sea in Singapore March 13-14, 2018. Both ILA committees will be holding intersessional meetings on Monday the 12th (my committee) and Thursday and Friday morning March 15 and 16.

The 112th Annual Meeting of the American Society of International Law will take place April 4-7, 2018 at the Hyatt Regency Capitol Hill, 400 New Jersey Ave, NW, Washington, DC 20001. The American Branch is again proud to be a co-operating organization. Featured speakers include Judge Joan E. Donoghue, International Court of Justice; Sir Christopher Greenwood, International Court of Justice; Meg Kinnear, Secretary-General, International Centre for Settlement of Investment Disputes; and Peter Trooboff, senior counsel, Covington and Burling LLP, among others. To view the full program and to register for the conference, visit [www.asil.org/am](http://www.asil.org/am).

The British Institute of International and Comparative Law will present its Short Course on Public International Law in Practice, on April 12-13, 2018 in London. For information see <https://www.biicl.org/events>.

The 2018 Annual Conference of the ABA Section of International Law will take place April 17-21, 2018 at the Grand Hyatt Hotel in New York City. For information, see [https://www.americanbar.org/groups/international\\_law.html](https://www.americanbar.org/groups/international_law.html). ABILA is a cosponsor. The ABA Section of International Law will sponsor the 2018 Investment Arbitration & Trans-Pacific Transactions Conference in Singapore on May 10-11, 2018. For information see <https://shop.americanbar.org/ebus/ABAEventsCalendar>.



Case Western Reserve University School of Law and the University of Western Ontario Faculty of Law will host the 42nd Annual Conference of the Canada-U.S. Law Institute on April 12-13 in Cleveland, Ohio. The Conference is titled "Back to the Future: The Canada-United States Relationship at a Crossroads." For more information and registration, visit <https://law.case.edu/Lectures-Events>.



The Brazilian and Portuguese Branches of the International Law Association will hold their 2018 Regional Conference in Belo Horizonte, Brazil, from May 23 to May 25, 2018, at the Universidade Federal de Minas Minas ([www.ufmg.br](http://www.ufmg.br)). For information contact [regionalconference2018@gmail.com](mailto:regionalconference2018@gmail.com).

The T.M.C. Asser Institute's 12th Annual Summer Law Programme on International Criminal Law and International Legal & Comparative Approaches to Counter-Terrorism will take place May 28 to June 21, 2018 in The Hague. For more information go to: <http://www.asser.nl>.

The Institute for Transnational Arbitration will hold its 30th Annual ITA Workshop and

Annual Meeting (on "Multiple Proceedings, Multiple Parties, and International Arbitration: What a Tangled Web We Weave") on June 20 - 22, 2018 in Dallas at the Westin Galleria.

The OAS Summer Course on International Law will be held in Rio de Janeiro, Brazil from August 6-24, 2018. This will be the 45<sup>th</sup> session, organized by the Inter-American Juridical Committee and the Department of International Law of the Secretariat for Legal Affairs of the OAS. It aims to disseminate and promote international law, with a strong emphasis on the Inter-American System and its current agenda. Among the topics covered: international contracts, refugee status, the protection of human rights, contemporary sources of international law, the law of treaties, the World Trade Organization (WTO) dispute resolution systems, international humanitarian law, and the principles and rules that govern international trade regulation. Due to limited capacity, prospective students are encouraged to submit their applications as soon as possible. Applicants may request a financial aid travel allowance or self-finance their entire participation. Details are available at [http://www.oas.org/en/sla/dil/XLV\\_course\\_on\\_international\\_law\\_2018.asp](http://www.oas.org/en/sla/dil/XLV_course_on_international_law_2018.asp) or by calling +1 202 370-0741.

The International Law Association's 2018 biennial conference, hosted by the Australian Branch, will be held August 19-23, 2018 at the Intercontinental Hotel in Sydney. Further information and registration is available at <https://www.ila2018.org.au/>. The official ILA 2018 Conference Facebook page is at: <https://www.facebook.com/ILAConference2018>.

The Canadian Council on International Law will hold its 46th Annual Conference on November 2-3, 2018 in Ottawa. The theme will be "Canada at 150: The Return of History for International Law."

The Brazilian Academy of International Law invites Professors, Researchers, Students and Professionals from the law and international relations' fields to the 16th Brazilian Congress of International Law, to be held in the city of Foz do Iguaçu, State of Paraná, Brazil, from August 22-25, 2018, under the auspices of the Federal University of Latin American Integration and the University of São Paulo.

See <https://drive.google.com/file/d/1vQSUDthSdlipdfQr68ycR5mT66A73hGD/view?usp=sharing>.

## FIFTY YEARS AGO AT THE AMERICAN BRANCH

The American Branch held its annual dinner at the Cosmopolitan Club in New York City on March 1, 1968. Leonard C. Meeker, the Legal Adviser to the U.S. Department of State, was the speaker; his comments on “Legal Aspects of Contemporary World Problems” were published at 1967-1968 *Proceedings and Committee Reports of the American Branch of the International Law Association* 30.

Meeker surveyed a range of international law issues, including North Korea’s seizure of the *U.S.S. Pueblo* and UN initiatives related to the Arab-Israeli Six-Day War, and reflected on political impediments to more effective uses of existing peaceful dispute resolution processes.

Several American Branch committees published reports in the 1967-1968 *Proceedings*. Many Branch committee efforts paralleled ILA committee projects. The International Monetary Law Committee (Charles Evan, Chair) reported on initiatives linked to the scope of work of its parallel ILA Committee. *Id.* at 50.

The Branch’s International Trade and Investment Committee (Richard Young, Chair) presented two subcommittee reports. That Committee had organized subcommittees on discrimination in international transport, non-tariff barriers, and double taxation, a structure “that paralleled the organization of the corresponding International Committee, and [that] was designed to facilitate the free flow of ideas between the two groups.” *Id.* at 59.

The Committee on Deep Sea Mineral Resources developed its Report concerning a future legal regime for seabed mining, *id.* at 153, in reply to an inquiry from an ILA working group established after the ILA’s 1966 Helsinki conference. Professor Louis Henkin submitted a pithy and sharply critical dissenting statement, *id.* at XXI, that presaged some of the heated debates about seabed mining and the law of the sea that would occupy international lawyers and diplomats over ensuing decades.

Other Branch committee reports concerned topics raised at forums beyond the ILA. The Committee on Human Rights (John Carey, Chair) investigated the “use of criminal process for the international protection of human rights” because that topic “was expected to be one of the most controversial to arise at the International Conference on Human Rights” in Tehran, Iran in the spring of 1968. *Id.* at 39.

Additional Branch committee reports provided analyses useful for practicing lawyers. The Committee on International Commercial Arbitration (Martin Domke, Chair) studied arbitration between U.S. government-controlled corporations and private firms. *Id.* at 45. The Committee on Legal Aspects of Asylum (Prof. Alona E. Evans, Chair) produced a comprehensive 52-page, 274-footnote assessment of political asylum under the U.S. Immigration and Naturalization Act of 1952, as amended. *Id.* at 63.

Cecil Olmstead was President of the American Branch in 1968, the sixth year of his decade-long tenure in that office. The Vice Presidents were Professors Richard Baxter of Harvard, John Hazard of Columbia, and Louis Sohn of Harvard. Members of the Executive Committee included other prominent international law academics and leading members of the bar.

- Submitted by John E. Noyes

